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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,540	04/06/2001	Stephen D. Paul	005140.P5252	5523

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EXAMINER

LEE, PHILIP C

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,540

Applicant(s)

PAUL, STEPHEN D.

Examiner

Philip C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 16-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 16-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This action is responsive to the amendment and remarks filed on June 13, 2006.
2. Claims 1-10 and 16-33 are presented for examination and claims 11-15 and 34-38 are canceled.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections - 35 USC 112

4. Claims 1-10 and 16-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. Claim language in the following claims is not clearly understood:
 - i. As per claim 1, line 5, it is unclear what is meant by lookup service “to connect”.
 - ii. As per claims 6 (line 8), 16 (line 11), 19 (line 6), 22 (lines 6-7), 24 (line 6), and 29 (line 9), they have the same problem as claim 1, line 5 above.

Claim Rejections - 35 USC 103

5. Claims 6-7, 9-10, 29-30 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ternullo et al. (hereinafter Ternullo), US 2003/0020993, in view of Jacobson et al. (hereinafter Jacobson), US 6,426,959.

6. Jacobson was cited in the last office action.

7. As per claim 6, Ternullo teaches the invention substantially as claimed comprising:
registering the new device with a lookup service, wherein the new network device includes software to automatically search for the lookup service within a specific network device domain and wherein the lookup service to connect a client looking for a service with the service ([0105]-[0109]).

8. Ternullo does not explicitly teach preloading the new network device with interface software. Jacobson teaches preloading the new network device with interface software wherein said interface provides instructions specific to the new network device for executing a set of generic Application Program Interface (API) calls (In a similar system Jacobson teaches of a network monitoring system in a wireless network (Jacobson, Col. 2, lines 9-12), wherein a Implementation Component (IC) is able to translate generic allocation commands from management component (MC) into device specific commands for different type of vendor system (See, Col. 4, lines 1-15; Col. 6, lines 55-65). The generic commands are initially issued

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by an operator on the monitoring side (Col. 9, lines 60-65)); responsive to receiving API calls, executing the interface software to perform device specific equivalents to the generic API calls (Col. 4, lines 1-10; Col. 5, lines 44-46; Col. 9, lines 54-59).

9. It would have been obvious to the person ordinary skill in the art at the time of the invention to incorporate teachings of Jacobson with Ternullo because the combination would lead to issuing generic API calls which cause execution of preloaded software on the remote network devices of Ternullo, and would result in reduced amount of command need to be kept track at the MC (see Jacobsen, Col. 7, lines 5-15).

10. As per claim 7, Ternullo and Jacobson disclose the invention substantially as rejected in claim 6 above, including said interface stored on the new network device comprises a Java language program (Ternullo, [0103]).

11. As per claim 9, Ternullo and Jacobson disclose the invention substantially as rejected in claim 6 above, including said device is a network attached storage device (Ternullo, [0109]).

12. As per claim 10, Ternullo and Jacobson disclose the invention substantially as rejected in claim 6 above, including said lookup service is the Jini lookup service (Ternullo, [0108]).

13. As per claims 29-30 and 33, the claims are rejected for the same reasons as rejection to claim 1-2, 5 above respectively.

14. As per claim 32, the claims are rejected for the same reasons as rejection to claim 9 above respectively.

15. Claims 8 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ternullo-Jacobson, as applied to claims 6 and 29 above, in view of what was well known in the art.

16. As per claims 8 and 31, Ternullo and Jacobson disclose the invention substantially as rejected in claims 6 and 29 above, but does not explicitly teach said options available on the graphical user interface comprise:

create disk; create file system; delete disk; delete file system; and share file functions.

Official Notice is taken (see MPEP 2144.03) the above disk commands are well known and routinely used for commanding and configuring network attached storages at the time of the invention was made.

17. Claims 1-2, 4-5, 16-17, 19-20, 22, 24-25, and 27-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ternullo et al. (hereinafter Ternullo), US 2003/0020993 and Kinnunen et al. (hereinafter Kinnunen), US 2001/0018349, in view of Jacobson et al. (hereinafter Jacobson), US 6,426,959.

18. Kinnunen was cited in the last office action.

19. As per claim 1, Ternullo teaches the invention substantially as claimed comprising: registering the new network device with a lookup service, wherein the new network device includes software to automatically search for the lookup service within a specific network device domain and wherein the lookup service to connect a client looking for a service with the service ([0105]-[0109]).

20. Ternullo did not teach detecting and notifying new network device. Kinnunen teaches detecting the new network device by examining the lookup service from an administration terminal ([0109], [0114]-[0120], [0143]); and notifying a human operator of the presence of the new network device through a graphical user interface on the administration terminal ([0074], [0101], [0120], [0126]).

21. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ternullo and Kinnunen because Kinnunen's teaching of notifying new network device would enhance Ternullo's lookup service by allowing Ternullo's lookup service to notify available services/resources to users (see Kinnunen, [0074]).

22. Ternullo and Kinnunen do not explicitly teach:
responsive to the human operator selecting an option available on the graphical user interface, issuing a series of one or more generic Application Program Interface (API) calls representative of the option to the new network device wherein said API calls cause execution of

interface software preloaded on the new network device, the interface software contains instructions specific to the new network device for implementing the API calls; and executing the interface software preloaded on the new device to perform device specific equivalents to the series of one or more generic API calls.

23. In a similar system Jacobson teaches of a network monitoring system in a wireless network (Col. 2, lines 9-12), wherein a Implementation Component (IC) is able to translate generic allocation commands from management component (MC) into device specific commands for different type of vendor system (See, Col. 4, lines 1-15; Col. 6, lines 55-65). The generic commands are initially issued by an operator on the monitoring side using an operator interface (Col. 9, lines 60-65; Col. 8, lines 34-36); furthermore, referring to Col. 3, lines 53-60, Jacobson teaches the IC component is either a part of the network component or remotely controlling the network components, in this case the IC is a part of the network component and manages said component locally. More specifically, the IC component serves as a translator, mapping generic allocation command to a vendor specific command sequence to implement the task of the generic commands (Col. 4, lines 5-10; Col. 5, lines 44-46; Col. 9, lines 54-59). It should be noted that the network devices have pre-loaded programs within in order to accept vendor specific commands.

24. It would have been obvious to the person ordinary skill in the art at the time of the invention to incorporate teachings of Jacobson with Ternullo and Kinnunen because the combination would lead to issuing generic API calls which cause execution of preloaded

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software on the remote network devices of Ternullo and Kinnunen, and would result in reduced amount of command need to be kept track at the MC (see Jacobsen, Col. 7, lines 5-15).

25. As per claim 2, Ternullo, Kinnunen and Jacobson disclose the invention substantially as rejected in claim 1 above, including said interface stored on the new network device comprises a Java language program (Ternullo, [0103]; Kinnunen, [0102]).

26. As per claim 4, Ternullo, Kinnunen and Jacobson disclose the invention substantially as rejected in claim 1 above, wherein said device is a network attached storage device (Ternullo, [0109]; Kinnunen, wherein the mobile agents as well as the service advertiser inherently have memory/hard drive storage, furthermore, they are attached to the network, hence, they are network attached storage devices).

27. As per claim 5, Ternullo, Kinnunen and Jacobson disclose the invention substantially as rejected in claim 1 above, including said lookup service is the Jini lookup service (Ternullo, [0108]; Kinnunen, [0005]).

28. As per claims 24-25 and 28, the claims are rejected for the same reasons as rejection to claim 1-2, 5 above respectively.

29. As per claim 27, the claims are rejected for the same reasons as rejection to claim 4 above respectively.

30. As per claim 16, Ternullo, Kinnunen and Jacobson disclose the invention substantially as rejected in claim 1 above, including NAS storage devices (Ternullo, [0109]; Kinnunen, wherein the mobile agents as well as the service advertiser inherently have memory/hard drive storage, furthermore, they are attached to the network, hence, they are network attached storage devices). The remainder of claim 16 is rejected for the same reasons as combination of claim 1 above.

31. As per claim 17, the claim is rejected for the same reasons as claim 2 above.

32. As per claims 19 and 22, the claims are rejected for the same reason as claims 1 and 16 above.

33. As per claim 20, the claim is rejected for the same reason as claims 2 and 17 above.

34. Claims 3, 18, 21, 23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ternullo, Kinnunen and Jacobson, as applied to claims 1, 16, and 24 above, in view of what was well known in the art.

35. As per claims 3, 18, 21, 23, and 26, Ternullo, Kinnunen and Jacobson disclose the invention substantially as rejected in claims 1, 16, 19, 22, and 24 above, but does not explicitly teach said options available on the graphical user interface comprise: create disk; create file system; delete disk; delete file system; and share file functions. Official Notice is taken (see

MPEP 2144.03) the above disk commands are well known and routinely used for commanding and configuring network attached storages at the time of the invention was made.

36. Because Applicants have failed to challenge any of the Examiner's "Official Notices" stated in the previous office action in a proper and reasonably manner, they are now considered as admitted prior art. See MPEP 2144.03

37. Applicant's arguments with respect to claims 1-10 and 16-33 have been considered but are moot in view of new ground(s) of rejection.

38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

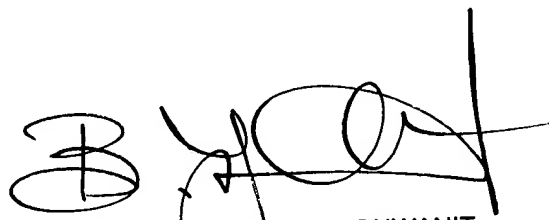
Stead et al, US 2002/0002627; Shteyn, US 6,618,764; Lo, US 2002/0026504

39. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip Lee



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